

SENATE BILL 1862

By Overbey

AN ACT to amend Tennessee Code Annotated, Section  
40-11-118, relative to bail.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-11-118(a), is amended by deleting the subsection in its entirety, and by substituting instead the following:

(a) Any defendant for whom bail has been set may execute the bail bond and deposit with the clerk of the court before which the proceeding is pending a sum of money in cash equal to the amount of the bail. Upon depositing this sum, the defendant shall be released from custody subject to the conditions of the bail bond. Bail shall be set as low as the court determines is necessary to reasonably assure the appearance of the defendant as required. If the defendant has one (1) or more prior convictions for § 39-13-106, § 39-13-213(a)(2) or § 55-10-401, the court may consider the use of monitoring devices to eliminate any danger to the community including, but not limited to:

(1) Ignition interlock devices;

(2) Transdermal monitoring devices or other alternative alcohol monitoring devices;

(3) Electronic monitoring with random alcohol or drug testing; or

(4) Pretrial residency in an in-patient alcohol or drug rehabilitation center.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.